United Nations A/AC.109/2006/2

General Assembly

Distr.: General
10 February 2006

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

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06-23890 (E) 100306

I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 59/131, the Secretary-General submitted to the Assembly at its sixtieth session a report on the question of Western Sahara (A/60/116). The report covered the period from 1 July 2004 to 30 June 2005 and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, the Secretary-General submitted three reports to the Security Council on the situation concerning Western Sahara (S/2005/49, S/2005/254 and S/2005/648), pursuant to Security Council resolutions 1570 (2004), 1598 (2005) and 1634 (2005).

3. In its resolution 1570 (2004), the Security Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2005. The Council also requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period and an interim report within three months from the adoption of the resolution on the evolution of the situation and the Mission's size and concept of operation, with further detail on the options discussed by the report of the Secretary-General of 20 October 2004 (S/2004/827) on the possible reduction of MINURSO staff, including civilian and administrative personnel.

4. Pursuant to Security Council resolution 1570 (2004), the Secretary-General submitted to the Council an interim report dated 27 January 2005 (S/2005/49). In a second report dated 19 April 2005 (S/2005/254), the Secretary-General advised the Council that notwithstanding a certain improvement in the political climate in the region, he regretted having to report once again that there remained lack of agreement on how to overcome the deadlock between the parties and enable the people of Western Sahara to exercise their right to self-determination.

5. The second report (S/2005/254) also stated that in March 2005 MINURSO had completed an assessment of the state of compliance by the parties with the military agreements and had put in place a database that would allow information obtained by military observers to be tracked and analysed systematically in future. With regard to military agreement No. 1, MINURSO established that there had been a serious deterioration in compliance. With regard to military agreements Nos. 2 and 3, the parties continued to extend a high level of cooperation to MINURSO concerning the marking and disposal of mines and unexploded ordnance. During the period under review, MINURSO discovered and marked an additional 127 pieces of mines and unexploded ordnance.

6. In his recommendations and conclusions, the Secretary-General stated that while there had not been a breach of the ceasefire that had been in effect since 6 September 1991 and there was no indication that the leadership of either party intended to initiate hostilities, he would like to register his concern at the scale of the violations of military agreement No. 1. He stated further that while frustration stemming from the continuing political deadlock could be a factor in the deterioration of compliance that had been observed, it did not exonerate the parties of their responsibilities, and that their fundamental commitment to the ceasefire and the military agreements must therefore be reinforced and reconfirmed. In this regard, the Secretary-General expressed concern over the most recent reported

statement by the leadership of the Frente Polisario that a return to arms might be closer than ever.

7. The Secretary-General called upon the parties to fully comply with the military agreements now in force and reminded them that adherence to their obligations under the agreements was not contingent upon compliance by the other party and that, in that context, restrictions imposed on the freedom of movement of MINURSO were not acceptable.

8. The Secretary-General further stated that with regard to the request by the Security Council in its resolutions 1514 (2004) and 1570 (2004) that he examine ways to reduce the size of MINURSO, he remained convinced that this would not be advisable at this stage. Given the prevailing conditions on the ground, it was his view that the Mission should, at a minimum, be maintained at its current strength. Further, in view of the gravity of some of the violations described, consideration could be given to strengthening the Mission. In order to further enhance its monitoring and verification capabilities, a review of MINURSO standard operating procedures has commenced. A team from the Secretariat travelled to MINURSO in May 2005 to finalize the comprehensive review of the structure of the administrative and other civilian components of the Mission.

9. The Secretary-General stated that he was concerned at the potential dangers for civilians who entered the heavily mined buffer strip and restricted area. In this regard, illegal migrants were especially vulnerable, as were participants in civilian demonstrations.

10. In view of the prevailing situation, the Secretary-General continued to believe that MINURSO played a vital role on the ground and recommended the extension of its mandate for a further six months, until 31 October 2005.

11. On 28 April 2005 the Security Council unanimously adopted resolution 1598 (2005), by which it, inter alia, decided to extend the mandate of MINURSO until 31 October 2005 and requested the Secretary-General to provide a report on the situation before the end of the mandate period.

12. Pursuant to Security Council resolution 1598 (2005), on 13 October 2005 the Secretary-General submitted a report (S/2005/648), in which he informed the Council that Peter van Walsum (Netherlands), his Personal Envoy for Western Sahara, had just begun his first visit to the region, from 11 to 17 October, to assess the situation and to explore with the parties, neighbouring States and other stakeholders how best to overcome the present political impasse.

13. The report also noted the Secretary-General's decision, in May 2005, to appoint his then Special Representative for Western Sahara, Alvaro de Soto, as Special Coordinator for the Middle East Peace Process and Special Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority. Following consultations, the Secretary-General appointed Francesco Bastagli (Italy), former Deputy Special Representative for Kosovo, as the new Special Representative for Western Sahara and head of MINURSO. Mr. Bastagli assumed his position in Laayoune on 14 September. In early October, he paid initial visits to the parties and representatives of the neighbouring States in Rabat (Morocco), Rabouni and Algiers (Algeria) and Nouakchott (Mauritania).

14. In addition, the Secretary-General informed the Council that in August 2005, Major General György Száraz (Hungary) had departed from Laayoune after three years of service as Force Commander of MINURSO and that he had been replaced by Major General Kurt Mosgaard (Denmark), who had arrived in the Mission area on 16 September.

15. Violations by both parties had continued, and there had been a serious deterioration in compliance with military agreement No. 1. Civilian activities, including demonstrations by supporters of the Frente Polisario, continued to take place in the buffer strip. Although these demonstrations did not constitute a breach of military agreement No. 1, they had contributed to increased tensions on the ground and could result in incidents and a deterioration of the situation in the long term. With regard to military agreements Nos. 2 and 3, the parties continued to extend a high level of cooperation to MINURSO in the marking and disposal of mines and unexploded ordnance. During the period covered by the report (S/2005/648), MINURSO had discovered and marked 260 mines and pieces of unexploded ordnance and monitored the destruction of 3,693 mines and pieces of unexploded ordnance. A total of 40 disposal operations, all carried out by the Royal Moroccan Army, had been monitored west of the berm.

16. The Secretary-General also noted that on 18 August, with the mediation of the United States of America, the Frente Polisario had released the remaining 404 Moroccan prisoners of war, thus bringing to a conclusion one of the most painful chapters of the conflict. The prisoners were repatriated to Morocco under the auspices of the International Committee of the Red Cross (ICRC), which would continue to work with the parties in accounting for those who were still missing as a result of the conflict.

17. With respect to Western Saharan refugees, the Secretary-General stated that the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) had increased their monitoring activity, including the conduct of regular field visits to all refugee camps in the Tindouf area. In a joint decision by UNHCR and WFP, which was subsequently communicated to the Frente Polisario and to Algeria, as the country of asylum, the number of assisted beneficiaries was reduced from 158,000 to 90,000 as at 1 September 2005, targeting assistance to the most vulnerable members of the camp population. Both WFP and UNHCR would use that number for planning purposes until a comprehensive registration exercise of the refugee populations could be carried out. In early 2005, WFP carried out a nutrition survey, the results of which showed an increase in anaemia among women and children since 2002. It suggested that this was due to a lack of animal proteins, fresh fruits and vegetables and fortified foods in the daily rations provided to the refugees. Although donor support in 2005 had increased to over $5 million, additional international assistance would be required in order to improve the health of refugees.

18. With regard to confidence-building measures, the exchange of family visits between the Territory and the refugee camps in the Tindouf area did not resume during the reporting period although the Frente Polisario and Algeria, as the country of asylum, had approved a plan of action that had been submitted by UNHCR, in consultation with MINURSO, in early January 2005. Thus far, of the estimated $3.1 million required for the 2005 programme, $2.1 million had been provided by Finland, France, Ireland, Sweden and the United States. At the same time, the

telephone services that were established between the camps in Tindouf and the Territory continued to function effectively. To date, 32,777 persons have benefited from the service.

19. With regard to the restructuring of the Mission, in June 2005, a United Nations military operational audit team, led by Major General Robert Gordan (ret.) (United Kingdom), visited MINURSO. Following the visit, the Department of Peacekeeping Operations, in consultation with MINURSO, developed recommendations for the restructuring of the military component. The recommendations, on which the parties and troop-contributing countries had been consulted, were aimed at strengthening the military component's capacity to monitor the ceasefire and military agreements, within existing resources. The restructuring exercise, which began in September 2005, entailed the closure of the two sector headquarters and the restructuring of the force headquarters, including the establishment of a civilian-military joint mission analysis cell and a joint operations centre to enhance data collection and information management. The closure of the two sector headquarters will enable MINURSO to increase the number of military observers deployed to the nine military observer team sites. The introduction of night observation patrols and temporary observation posts through the provision of night vision equipment was also envisaged. A new concept of operations reflecting the above changes came into effect on 1 October 2005. As of 14 October, the military component of MINURSO stood at 227 personnel, including administrative clerks and a medical unit, against the authorized strength of 231. The military component continued to actively monitor the ceasefire that had been in effect since 6 September 1991 (see S/2005/648).

20. The comprehensive review of the structure of the administrative and other civilian components was also completed during the reporting period. The outcome of this review includes recommendations on a reduction by 57 posts (47 international and 10 local), to be offset by an increase of 18 posts (international) and the creation of 24 United Nations Volunteer posts. The recommendations would be implemented in a phased manner and were expected to be completed by mid-2006.

21. On 28 October, the Security Council adopted resolution 1634 (2005), in which it decided to extend the mandate of MINURSO until 30 April 2006 and requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate. The Council also requested the Secretary-General's Personal Envoy to provide a briefing within three months of the adoption of the resolution on the progress of his efforts.

22. Pursuant to resolution 1634 (2005), on 18 January 2006, Mr. van Walsum briefed the Security Council in closed consultations on his trip to the region in late 2005.

II. Consideration by the Security Council

23. The Security Council considered the reports of the Secretary-General contained in documents S/2005/49, S/2005/254 and S/2005/648.

24. By its resolution 1570 (2004), the Security Council decided to extend the mandate of MINURSO until 30 April 2005 and requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate.

25. By its resolution 1598 (2005), the Security Council reaffirmed its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in this respect. The Council also affirmed the need for the full respect of the military agreements reached with MINURSO with regard to the ceasefire and called on Member States to consider voluntary contributions to fund confidence-building measures that allowed for increased contact between separated family members. Council members said they looked forward to receiving the results of the comprehensive review of the structure of the Mission's administrative and other civilian components, as outlined in the Secretary-General's report (S/2005/254). The Council decided to extend the mandate of MINURSO until 31 October 2005 and requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period.

26. In its resolution 1634 (2005), the Security Council, inter alia: welcomed the appointment of the Secretary-General's Personal Envoy on Western Sahara, Peter van Walsum, noting that he had recently completed consultations in the region; reaffirmed the need for full respect of the military agreements reached with MINURSO with regard to the ceasefire; called on Member States to consider voluntary contributions to fund confidence-building measures that allow for increased contact between separated family members, especially family unification visits; decided to extend the mandate of MINURSO until 30 April 2006; and requested the Secretary-General's Personal Envoy to provide a briefing, within three months of the adoption of the resolution, on the progress of his efforts. The Council took note of the release by the Frente Polisario on 18 August 2005 of the remaining 404 Moroccan prisoners of war in compliance with international humanitarian law and called upon the parties to continue to cooperate with ICRC to resolve the fate of persons who are unaccounted for since the beginning of the conflict.

III. Consideration by the General Assembly

27. During the general debate of the sixtieth session of the General Assembly, a number of representatives referred to the question of Western Sahara in their statements. During the debate in the Special Political and Decolonization Committee (Fourth Committee), held from 5 to 11 October 2005, a number of Member States also made reference to the question of Western Sahara.

28. At its 2nd meeting, on 5 October 2005, the Fourth Committee heard the following statements: Grace Mujuma (United Republic of Tanzania); and Dumisani S. Kumalo (South Africa), on behalf of the Southern African Development Community.

29. At its 3rd meeting, on 6 October 2005, the Committee heard the following petitioners: Vanessa Ramos, American Association of Jurists; Helen Hardin on behalf of Zach Wamp, United States Congressman; Antonio López Ortiz, Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui; María Inés Miranda Navarro, Misión de la observación en el Sáhara Occidental del Consejo General de la Abogacía Española; Rosa María Ostogain Etxeberría, Euskal Fondoa y Alcaldesa del Municipio de Berriz; and Justin Knapp.

30. At its 4th meeting, on 7 October 2005, the Committee heard statements by Felipe Briones Vives, International Association of Jurists for Western Sahara; Sergio de la Asunción Alfonso Miranda, Asociación de Amistad con el Pueblo Saharaui de las Palmas de Gran Canaria; Pedro Pinto Leite, International Platform of Jurists for East Timor; David J. Lippiat, WE International; Francisco José Alonso Rodríguez, Liga Pro Derechos Humanos; Sepp Van der Veken, Comité belge de soutien au peuple Sahraoui-jongeren voor de Westelijke Sahara-Geel; Hilde Teuwen, Oxfam Solidarity and European Coordination of Support for the Sahrawi People; Dan Stanley, Manna Church of Raeford; Suzanne Schlote, Defense Forum Foundation; Jan Strömdahl, Swedish Western Sahara Committee; Rafael Esparza Machin, University of Las Palmas, Canary Islands; Cynthia Basinet, 2005 Nobel Peace Prize Nominee; Tray Hicks, on behalf of United States Congressman Ted Poe; Aymeric Chauprade, l'Université de la Sorbonne; Manuel Nicolás González Díaz, Asociación Saharaui de Derechos Humanos; María Dolores Travieso Darias, Asociación Pro Derechos Humanos de Canarias; Pablo Rodríguez Rodríguez, Movimiento Canario de Solidariadad; Nancy Huff, Teach the Children International; Lord Newall, International Committee for the Tindouf Prisoners; Janet Lenz, Saharawi Children's Program; Jane Bahaijoub, Family Protection; Anna Maria Stame Cervone, Christian Democratic Women International; Tanya Warburg, Freedom for All; and Sydney S. Assor, Surrey Three Faiths Forum.

31. At its fifth meeting, the Committee heard statements by Ali Najah, l'Association des Ex-prisonniers de l'Intégrité Territoriale; Frank Ruddy, United States Ambassador (ret.); Douihi Mohamed Rachid, Conseil Consultatif pour le Sahara; Latifa Ait-Baala, Euro-Mediterranean Women's Committee; Gajmoula Ebbi, Committee for Sahrawi Families Reunion; Ghallaoui Sidati, Institut des Etudes Africaines; JoMarie Feeci, Paris Tempo Productions; Rabbani Mohamed Abdelkader, former Minister of the Frente Polisario; Ronnie Hansen, Norwegian Support Committee for Western Sahara; Anja Oksalampi, Reseau Eurafricain pour le développement Intégré, les Droits de l'Homme et les Relations Interculturelles; Ahmed Boukhari, Frente Polisario; and Mustapha Bouh, former member of the political bureau of the Frente Polisario.

32. At its 6th meeting, on 11 October 2005, the Committee adopted draft resolution A/C.4/60/L.4 without a vote. By the terms of the resolution, the Assembly underscored Security Council resolution 1495 (2003), in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara as the optimum political solution on the basis of agreement between the two parties. Further, the Assembly called upon all parties to cooperate with ICRC in its efforts to solve the problem of the fate of those persons who were unaccounted for, and further called upon the parties to abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict. A statement in explanation of the vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland on behalf of the European Union and associated States. Statements were also made in explanation of the vote, after the vote, by Algeria and Morocco.

33. On 8 December 2005, the General Assembly adopted draft resolution I, entitled "Question of Western Sahara", recommended by the Fourth Committee (A/60/472, para. 32) without a vote, as resolution 60/114. By the terms of the resolution, the Assembly, inter alia, recalled Security Council resolution 1495 (2003), in which the Council expressed its support for the peace plan for self-

determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties, and resolutions 1541 (2004), 1570 (2004) and 1598 (2005). In its resolution, the General Assembly expressed strong support for the efforts of the Secretary-General and his Personal Envoy to achieve a mutually acceptable political solution to the dispute over Western Sahara and called upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy. The General Assembly requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the General Assembly at its sixty-first session. The Assembly also invited the Secretary-General to submit a report at its sixty-first session on the implementation of the resolution.